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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,973	02/21/2002	Tetsu Shigetomi	450100-03762	2209

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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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07/20/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/081,973	<b>Applicant(s)</b> SHIGETOMI ET AL.	
	<b>Examiner</b> HEATHER R. JONES	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-5, 8-30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 8-30 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 7, 2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed May 7, 2010 have been fully considered but they are not persuasive.

The Applicant argues that the previously mentioned prior art references fail to disclose an image, text, or graphic representing the CM is replaced with a different image, text, or graphic after the CM is reproduced. The Examiner respectfully disagrees. Perlmutter discloses in paragraph [0039] that once the triggering condition has been met (the commercial has been viewed) the commercial is then replaced by another commercial on the display. Therefore, the claimed limitations have been met and the rejection is maintained.

The Applicant argues that the previously mentioned prior art references fail to disclose the sequence of the CM displayed in the line at the top of the display is in order as the CM were received. The Examiner respectfully

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disagrees. Boylan, III et al. discloses in paragraph [0073] that the commercials can be displayed in any desired format. Choosing one particular choice then would be left to the designer. If the designer wants to display the commercials in the way they were received then it can be done. Therefore, Boylan, III et al. meets the claimed limitation and the rejection is maintained.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 3, 4, 9-13, 17, 19, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (U.S. Patent 7,013,477) in view of Daniels (U.S. Patent 6,973,669) in view of Baji et al. (U.S. Patent 5,027,400) in view of Boylan, III et al. (U.S. Patent Application Publication 2002/0166120) in view of Perlmutter (U.S. Patent Application Publication 2005/0108095).

Regarding claim 8, Nakamura et al. discloses an information reproducing apparatus comprising: a receiver for receiving broadcast information and selecting a signal therefrom that includes commercial broadcast information having a supplied sequence (Fig. 2; col. 12, lines 17-35); a storing means (26) for storing a sequentially supplied series of the broadcast information (col. 12, lines 17-35; col. 14, lines 12-20); a commercial detecting means for detecting the

commercial broadcast information from the received broadcast information based on predetermined identification information contained in the received broadcast information (col. 12, lines 17-35 – the CM start unit (23) corresponds to a CM detecting unit); a reproducing means for reproducing broadcast information stored in the storing means on a display device (15) (col. 14, lines 21-25); and an inputting means for inputting a commercial designation signal for designating the commercial broadcast information to be reproduced at the reproducing means (Fig. 5; col. 14, line 25 – col. 15, line 8). However, Nakamura fails to disclose a controlling means for sequentially reading the series of broadcast information from the storing means and making the reproducing means reproduce the same in accordance with the supplied sequence, generating image information corresponding to the detected commercial broadcast information and combining the same with the reproduced image of the series of broadcast information, and making the reproducing means reproduce the combined image information, and, when the commercial designation signal is input, reading the commercial broadcast information designated by the related commercial designation signal from the storing means and making the reproduction means reproduce all the commercial broadcast information in the second sequence as supplied in the broadcast information, and, in the following reproduction of the series of broadcast information, reproducing the broadcast information while not reproducing, but skipping over the commercial broadcast information which has not been already reproduced, wherein the reproducing means reproduces the

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broadcast portions together with information related to each of a plurality of commercial broadcast information, said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) each displayed in a line at an upper portion of the display according to the second sequence, the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information, wherein a commercial broadcast information is reproduced in any desired order by selection from the information displayed in a line at the upper portion of the display.

Referring to the Daniels reference, Daniels discloses an apparatus comprising a controlling means for sequentially reading the series of broadcast information from the storing means and making the reproducing means reproduce the same in accordance with the supplied sequence, generating image information corresponding to the detected commercial broadcast information and combining the same with the reproduced image of the series of broadcast information, and making the reproducing means reproduce the combined image information (Fig. 17; col. 25, line 60 – col. 26, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed the commercials at the same time as the program as disclosed by Daniels with the apparatus disclosed by Nakamura et al. so that the user can keep watching their program and only

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pause when they see a commercial in the corner that interests them. However, Nakamura et al. in view of Daniels still fail to disclose that when the commercial designation signal is input, reading the commercial broadcast information designated by the related commercial designation signal from the storing means and making the reproduction means reproduce all the commercial broadcast information in the second sequence as supplied in the broadcast information, and, in the following reproduction of the series of broadcast information, reproducing the broadcast information while not reproducing, but skipping over the commercial broadcast information which has not been already reproduced, wherein the reproducing means reproduces the broadcast portions together with information related to each of a plurality of commercial broadcast information, said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) each displayed in a line at an upper portion of the display according to the second sequence, the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information, wherein a commercial broadcast information is reproduced in any desired order by selection from the information displayed in a line at the upper portion of the display.

Referring to the Baji et al. reference, Baji et al. discloses that when the commercial designation signal is input, reading the commercial broadcast

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information designated by the related commercial designation signal from the storing means and making the reproduction means reproduce all the commercial broadcast information in the second sequence as supplied in the broadcast information, and, in the following reproduction of the series of broadcast information, reproducing the broadcast information while not reproducing, but skipping over the commercial broadcast information which has not been already reproduced (col. 3, line 58 - col. 4, line 13 - between programs; col. 8, lines 9-10- the commercials can be arranged on the subscriber's system).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have reproduced all the commercials before the program begins as disclosed by Baji et al. with the apparatus disclosed by Nakamura et al. in view of Daniels in order to allow the user to watch their program uninterrupted and the advertisers still get to show their commercials. However, Nakamura et al. in view of Daniels in view of Baji et al. still fail to disclose the reproducing means reproducing the broadcast portions together with information related to each of a plurality of commercial broadcast information, said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) each displayed in a line at an upper portion of the display according to the second sequence, the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial



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broadcast information, wherein a commercial broadcast information is reproduced in any desired order by selection from the information displayed in a line at the upper portion of the display.

Referring to the Boylan, III et al. reference, Boylan, III et al. discloses an apparatus wherein the reproducing means reproduces the broadcast portions together with information related to each of a plurality of commercial broadcast information, said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) each displayed in a line at an upper portion of the display according to the sequence of reproduction, wherein a commercial broadcast information is reproduced in any desired order by selection from the information displayed in a line at the upper portion of the display (Fig. 2 - displays advertisements in a line in the upper portion of the display; Figs 13 and 14 – the users can pick any commercial from the still images they want to view in any order; paragraph [0044] – text, graphic, or video information (videos are comprised of several still images); paragraphs [0070] and [0073]-[0076] - paragraph [0073] states that the advertisements can be displayed in any desired format, which means the layout of Fig. 2 can be utilized).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed the commercials in a line in the upper portion of the display to allow the user to select the commercials to be displayed in any order as disclosed by Boylan, III et al. with the information

reproducing apparatus as disclosed by Nakamura et al. in view of Daniels in view of Baji et al. in order to allow the user to choose commercials at their convenience and in any order thereby giving more control to the user over the commercials they are viewing. However, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. fail to disclose the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information.

Referring to the Perlmutter reference, Perlmutter discloses an apparatus wherein the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information (paragraph [0039] - once the triggering condition has been met (the commercial has been viewed) another commercial replaces it on the screen).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced a commercial that has been viewed on the screen with a new commercial that has not been viewed as disclosed by Perlmutter in the information reproducing apparatus as disclosed by Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in order to guarantee that all the commercials are being viewed.

Regarding claim **3**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as

previously discussed with respect to claim 8 including that the controlling means sequentially reads said detected commercial broadcast information from said storing means in accordance with a sequence by which said commercial broadcast information was supplied (Nakamura et al: Fig. 4; col. 14, lines 12-20).

Regarding claim **4**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claim 8 including that the controlling means sequentially reads commercial broadcast information specified by an address of a head part stored in the storing means and a data length identification information from designated in the storing means (Nakamura et al: Fig. 4; col. 14, lines 12-20).

Regarding claim **9**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claim 8 including that the controlling means suspends reproduction of said series of broadcast information and makes the reproducing means reproduce designated commercial broadcast information when said commercial designation signal is input (Nakamura et al.: Fig. 5; col. 14, line 25 – col. 15, line 8).

Regarding claim **10**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claim 8, including that the controlling means combines a still image of a reproduced image of the detected commercial

broadcast information and a reproduced image of the series of broadcast information and makes the reproducing means reproduce the same (Boylan, III et al.: Fig. 13).

Regarding claim **11**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claims 8 and 10, but fails to disclose that the controlling means erases the still image of said commercial broadcast information from a display area of said reproducing means in the subsequent reproduction of the series of broadcast information when commercial broadcast information has been reproduced in accordance with said commercial designation signal (Perlmutter: paragraph [0036]).

Regarding claim **12**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claims 8 and 10 including the controlling means changes the still image of the commercial broadcast information to a predetermined image showing the commercial broadcast information finished being reproduced in the subsequent reproduction of the series of broadcast information when commercial broadcast information has been reproduced in accordance with the commercial designation signal (Boylan, III et al.: paragraphs [0070] and [0073]-[0076] – after watching the commercial an indication to the user is given as to whether to buy the product, record the program, or etc., therefore letting the user know that the commercial is finished).

Regarding claim **13**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claim 8 including that the controlling means sequentially reads commercial broadcast information specified by an address of a head part stored in the storing means and a data length identification information from designated in the storing means (Nakamura et al.: Fig. 4; col. 14, lines 12-20).

Regarding claims **17** and **19**, these are method claims corresponding to the apparatus claims 8 and 3. Therefore, claims 17 and 19 are analyzed and rejected as previously discussed with respect to claims 8 and 3.

Regarding claims **23** and **24**, these are method claims corresponding to the apparatus claims 8 and 9. Therefore, claims 23 and 24 are analyzed and rejected as previously discussed with respect to claims 8 and 9.

Regarding claims **25-27**, these are method claims corresponding to the apparatus claims 10-12. Therefore, claims 25-27 are analyzed and rejected as previously discussed with respect to claims 10-12.

5. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter as applied to claims 8 and 17 above, and further in view of Barritz et al. (U.S. Patent Application Publication 2002/0019769).

Regarding claim **2**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as

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previously discussed with respect to claim 8, but fails to disclose that the controlling means generates a viewing confirmation message at least one time, makes the reproducing means reproduce it, and suspends a read operation of the broadcast information from the storing means at the time of reproduction of the commercial broadcast information and restarts the read operation of said broadcast information when a response signal with respect to the related viewing confirmation message is detected.

Referring to the Barritz et al., Barritz et al. discloses an information reproducing apparatus disclosing a viewing confirmation message at least one time, makes the reproducing means reproduce it, and suspends a read operation of the broadcast information from the storing means at the time of reproduction of the commercial broadcast information and restarts the read operation of said broadcast information when a response signal with respect to the related viewing confirmation message is detected (paragraph [0117]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the message system as disclosed by Barritz et al. with the information reproducing apparatus disclosed by Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter in order to determine viewer presence during commercials.

Regarding claim **18**, this is a method claim corresponding to the apparatus claim 2. Therefore, claim 18 is analyzed and rejected as previously discussed with respect to claim 2.

6. Claims 5, 14, 20, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter as applied to claims 8, 17, and 23 above, and further in view of Levy (U.S. Patent Application Publication 2003/0192060)

Regarding claim **5**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claim 8, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on electronic watermark information included in image data of the broadcast information.

Referring to the Levy reference, Levy discloses detecting commercial broadcast information based on electronic watermark information (paragraph [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have detected commercial broadcasts based on electronic watermark information in the information reproducing apparatus disclosed by Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter to provide the apparatus with a better quality commercial detector.

Regarding claim **14**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claim 8, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on electronic watermark information included in image data of the broadcast information.

Referring to the Levy reference, Levy discloses detecting commercial broadcast information based on electronic watermark information (paragraph [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have detected commercial broadcasts based on electronic watermark information in the information reproducing apparatus disclosed by Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter to provide the apparatus with a better quality commercial detector.

Regarding claim **20**, this is a method claim corresponding to the apparatus claim 5. Therefore, claim 20 is analyzed and rejected as previously discussed with respect to claim 5.

Regarding claim **28**, this is a method claim corresponding to the apparatus claim 14. Therefore, claim 28 is analyzed and rejected as previously discussed with respect to claim 14.



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7. Claims 15, 16, 21, 22, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter as applied to claims 8, 17, and 23 above, and further in view of Suito (U.S. Patent 6,285,818).

Regarding claims **15** and **16**, Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter discloses all the limitations as previously discussed with respect to claim 8, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on detecting scene changes where broadcast information changes discontinuously and detects the commercial broadcast information based on a time interval at which said detected scene changes occur in the reproduced image or based on detecting the commercial broadcast information based on fluctuations in the reproduced sound level of the broadcast information (Suito et al.: col. 4, lines 14-27).

Referring to the Suito et al. reference, Suito et al. discloses commercial detecting means detects the commercial broadcast information based on detecting scene changes where broadcast information changes discontinuously and detects the commercial broadcast information based on a time interval at which said detected scene changes occur in the reproduced image or based on detecting the commercial broadcast information based on fluctuations in the reproduced sound level of the broadcast information (col. 4, lines 14-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized any method of detecting commercial broadcasts in the information reproducing apparatus disclosed by Suito et al. in the apparatus disclosed by Nakamura et al. in view of Daniels in view of Baji et al. in view of Boylan, III et al. in view of Perlmutter in order to have a better quality commercial detector.

Regarding claims **21** and **22**, this is a method claim corresponding to the apparatus claims 15 and 16. Therefore, claims 21 and 22 are analyzed and rejected as previously discussed with respect to claims 15 and 16.

Regarding claims **29** and **30**, this is a method claim corresponding to the apparatus claims 15 and 16. Therefore, claims 29 and 30 are analyzed and rejected as previously discussed with respect to claims 15 and 16.

8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (U.S. Patent 7,013,477) in view of Baji et al. (U.S. Patent 5,838,314) in view of Boylan, III et al. (U.S. Patent Application Publication 2002/0166120) in view of Perlmutter (U.S. Patent Application Publication 2005/0108095).

Regarding claim **32**, Nakamura et al. discloses an information reproducing method comprising: receiving sequential broadcast information having a plurality of broadcast portions and a plurality of broadcast commercial portions, the plurality of broadcast commercial portions in a broadcast sequence and separating the broadcast portions (Fig. 2; col. 12, lines 17-35); storing the sequential broadcast information in the sequence as received (col. 12, lines 17-

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35; col. 14, lines 12-20); and reproducing broadcast information stored in the storing means (col. 14, lines 21-25). However, Nakamura et al. fails disclose reproducing, in response to a request for reproduction of the sequential broadcast information, all the plurality of broadcast commercial portions in the broadcast sequence; and subsequently reproducing the stored sequential broadcast information broadcast portions in the received sequence by reproducing the broadcast portions and not reproducing the broadcast commercial portions, and wherein the reproducing means reproducing the broadcast portions together with information related to each of a plurality of commercial broadcast information, said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) displayed together in a line at an upper portion of the display according to the second sequence, the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information, wherein a commercial broadcast information is reproduced in any desired order by selection from the information displayed in a line at the upper portion of the display.

Referring to the Baji et al. reference, Baji et al. discloses an information reproducing method comprising reproducing, in response to a request for reproduction of the sequential broadcast information, all the plurality of broadcast commercial portions in the broadcast sequence; and subsequently reproducing

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the stored sequential broadcast information broadcast portions in the received sequence by reproducing the broadcast portions and not reproducing the broadcast commercial portions. (col. 3, line 58 - col. 4, line 13 - between programs; col. 8, lines 9-10- the commercials can be arranged on the subscriber's system).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have reproduced all the commercials before the program begins as disclosed by Baji et al. with the apparatus disclosed by Nakamura et al. in order to allow the user to watch their program uninterrupted and the advertisers still get to show their commercials. However, Nakamura et al. in view of Baji et al. still fail to disclose the reproducing means reproducing the broadcast portions together with information related to each of a plurality of commercial broadcast information, said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) displayed together in a line at an upper portion of the display according to the second sequence, the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information, wherein a commercial broadcast information is reproduced in any desired order by selection from the information displayed in a line at the upper portion of the display.

Referring to the Boylan, III et al. reference, Boylan, III et al. discloses an apparatus wherein the reproducing means reproduces the broadcast portions together with information related to each of a plurality of commercial broadcast information, said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) displayed together in a line at an upper portion of the display according to the sequence of reproduction, wherein a commercial broadcast information is reproduced in any desired order by selection from the information displayed in a line at the upper portion of the display (Fig. 2 - displays advertisements in a line in the upper portion of the display; Figs 13 and 14 – the users can pick any commercial from the still images they want to view in any order; paragraph [0044] – text, graphic, or video information (videos are comprised of several still images); paragraphs [0070] and [0073]-[0076] - paragraph [0073] states that the advertisements can be displayed in any desired format, which means the layout of Fig. 2 can be utilized).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed the commercials in a line in the upper portion of the display to allow the user to select the commercials to be displayed in any order as disclosed by Boylan, III et al. with the information reproducing apparatus as disclosed by Nakamura et al. in view of Baji et al. in order to allow the user to choose commercials at their convenience and in any order thereby giving more control to the user over the commercials they are

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viewing. However, Nakamura et al. in view of Baji et al. in view of Boylan, III et al. fail to disclose the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information.

Referring to the Perlmutter reference, Perlmutter discloses an apparatus wherein the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information (paragraph [0039] - once the triggering condition has been met (the commercial has been viewed) another commercial replaces it on the screen).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced a commercial that has been viewed on the screen with a new commercial that has not been viewed as disclosed by Perlmutter in the information reproducing apparatus as disclosed by Nakamura et al. in view of Baji et al. in view of Boylan, III et al. in order to guarantee that all the commercials are being viewed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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